

ORDINANCE NO. 153

AN ORDINANCE REGARDING EXTENSION OF WATER LINES OF THE CITY OF TIOGA; ESTABLISHING THE PROCEDURES WHEREBY A PROPERTY OWNER MAY REQUEST AND OBTAIN EXTENSION OF WATER LINES OF THE CITY OF TIOGA; PROVIDING FOR A DEPOSIT FOR THE COST OF EXTENSIONS AND A PRO RATA CHARGE FOR REIMBURSEMENT OF THE COST OF ANY EXTENSION OF WATER LINES; AUTHORIZING CONTRACTS OR AGREEMENT FOR REIMBURSEMENT OF COSTS FOR EXTENSION OF WATER LINES; PROVIDING FOR OWNERSHIP OF THE WATER LINES BY THE CITY OF TIOGA; REPEALING ALL ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS the City of Tioga receives requests from property owners and their agents for the extension of water service of the City of Tioga to property located within the city limits of the City of Tioga and outside the city limits of the City of Tioga within the extra-territorial jurisdiction of the City of Tioga; and

WHEREAS the City Council desires to establish a procedure whereby property owners or their agents may request an extension of water lines and seek reimbursement from other property owners whose properties benefit from the extension of the water lines;

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Tioga;

Section 1. APPLICATION OF PROVISIONS - This ordinance applies to all water mains installed from and after its passage.

Section 2. AUTHORITY TO MAKE EXTENSIONS - The City of Tioga water department, or, at the option of the city, a developer or contractor, may extend water mains in the streets and alleys or easements within the city limits of the City of Tioga, or in the extra-territorial limits in order to permit connection by persons desiring or seeking water service. The City of Tioga shall receive all necessary preliminary and, when requested, final engineering plans from any applicant for the purpose of evaluating the proposed extension. The City may request additional information as necessary in order to determine whether to approve or disapprove any proposed extension. The decision to extend or to approve an extension shall rest solely with the City and shall be based on the considerations of the health, safety and welfare of the citizens of the City of Tioga.

Section 3. PRO-RATA CHARGE ESTABLISHED - (A) Upon request of the owner, or his agent, of a given lot or tract of land, for the purpose of this ordinance known as the



"applicant", accompanied by the payment of the charges due under this ordinance, and approval by the city, the city shall extend, lay or construct all necessary water mains, including valves and hydrants, necessary to provide the service for which application has been made. The property owner to be served shall be required to pay the charge herein provided for. The owners of all intervening property served by the given main extension shall be required to pay the charges provided for herein at such time as their property is connected to the mains thus laid. Where an applicant for service secured an extension and service under this particular option for main extension, he shall pay the pro rata charges on all property owned by him which is served by the extension requested. The required extension of main shall be figured in such a manner as to leave out of the calculation that portion of any main adjacent to property already having other than a temporary water service and for which the pro rata charges thereon have been paid or credited under the terms of this ordinance.

(B) An exception to the above rule may be made where two or more individual applicants desire water service and the nearest applicant is more than 100 feet from existing lines, the city may extend their mains upon payment of the charge due under this subchapter, provided, that there is one customer for every 100 feet of such extension, excluding street intersections and that portion of the extension adjacent to property already having other than temporary water service.

(C) At the option of the city the following method for extending water mains may be used where the applicant's property is more than 100 feet from an existing water main. This method shall be available only for use by an individual owner, person or corporation to secure water service for the individual's residence or place of business. Where eligible for this option, the owner may advance and pay into the city, the entire pro rata costs, as set forth in this subchapter:

(1) \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) per front foot for water extensions on all property served by the desired main extension, and the city, when the money has been actually deposited with the city, will construct the desired water main along a street, alley or easement. When any property for which such person has advanced the pro rata costs is connected to the main extension, then, in that event, the pro rata collected on that particular property shall be refunded by the city to the person making the original deposit.

(2) At the discretion of the city, the applicant may be required to have the extension installed by a private contractor according to approved plans and specifications. If this option is directed by the city, the above outlined pro rata amounts will not apply. Instead, the cost assessed shall be based upon the actual cost of installation and the footage to be served between existing facilities and the applicant's property. Reimbursement provisions shall remain the same.

(D) In addition to the pro-rata charges on water mains, the property will be required to pay the regular tap charges as established by the ordinances of the City of Tioga.



Section 4. CONNECTION WITH WATER MAINS TO BE MADE BY WATERWORKS DEPARTMENT - All connections with city water mains shall be made by the city Waterworks Department at the direction of the City Engineer.

Section 5. CONTRACT BETWEEN CITY AND PROPERTY OWNER; NO REFUNDS AFTER EXPIRATION OF TEN-YEAR PERIOD - A contract entered into by any property owner and the city under the provisions of this subchapter shall be effective only for a period of ten (10) years after the date of the contract. No refunds shall be made by the city to any applicant or contracting party after the ten-year period has expired and the city shall retain the unrefunded portion.

Section 6. APPLICATION FORMS; BINDING UPON EITHER PARTY - All applications for the extension of water lines contemplated by the provisions of this subchapter shall be made on forms provided by the City, which application need not be binding upon either party until all conditions precedent have been met by the applicant, required payments made.

Section 7. DEPOSIT FOR COST OF EXTENSIONS OR PRO RATA CHARGES; CITY NOT LIABLE FOR PAYMENT OF INTEREST - Unless otherwise specifically provided in this section, all applicants shall deposit the total cost of any water extensions to be made or the required pro rata charges, whichever is greater, and the city shall never be liable for the payment of interest on any deposits, payments or refunds provided for in this subchapter.

Section 8. LACK OF FUNDS - In no event may the city be required to make extensions or refunds under provisions of this subchapter if there are not funds available for that purpose. That nothing herein shall be deemed in any way to be an exclusive method of enforcing the payment of the pro rata costs against the consumer and property owners, and shall not be deemed in any manner to be a waiver of the city's rights to validly assess the property owners and/or consumers concerned for cost of the installation of standard size (8 inch) water mains to fix and enforce liens against the property all of which may be done as provided by ordinance in the manner prescribed by law.

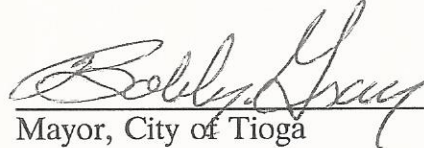
Section 9. CHARGES TO BE CREDITED TO WATER SYSTEM FUND - Any and all sums of money, hereinafter collected as a fee or connection charge, at the rates set out in this subchapter, shall be credited to the water system fund of the city.

Section 10. OWNERSHIP TO BE CONVEYED TO CITY - Title to all water mains and structures supporting and servicing those mains shall be vested in the City of Tioga, Texas. No person shall acquire any vested rights under the terms and provisions of this section.


Section 11. PUBLIC NECESSITY - If the city council determines that a condition exists which requires the extension of a water main to protect the public health, safety or general welfare, or for the public convenience and necessity, the city may make the required main extension. Service therefrom to any customer whose property abuts the main shall be provided upon payment of the pro-rata charge as described in this ordinance and compliance

with the other ordinances of the City of Tioga, Texas. If a hardship situation is determined by the city council, the council may authorize that the pro-rata charge plus a handling charge of five-tenths percent (0.5%) per month on the unpaid balance be paid in equal monthly installments in amounts sufficient to retire the total charge over a period of five (5) years. Failure to pay such charges when due will be sufficient cause for discontinuation of service.

PASSED AND APPROVED this 21st day of April,  
1997.

  
\_\_\_\_\_  
Mayor, City of Tioga

ATTEST:

  
\_\_\_\_\_  
City Secretary, City of Tioga